

Dated: October 27, 2020

The following is ORDERED:



Janice D. Loyd

Janice D. Loyd
U.S. Bankruptcy Judge

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

In re:

WHITE STAR PETROLEUM HOLDINGS,
LLC, *et al.*,

Debtors.

WHITE STAR PETROLEUM, LLC and
WHITE STAR PETROLEUM II, LLC,

Plaintiffs,

v.

MUFG UNION BANK, N.A., *et al.*,

Defendants.

Chapter 11

Case No. 19-12521-JDL

Jointly Administered

Adversary No. 19-01115-JDL

ORDER GRANTING MOTION FOR DEFAULT JUDGMENT
AGAINST MIDCON SOLUTIONS, LLC

{S555251;}

B 20-052

Before the Court is the *Motion for Default Judgment Against MidCon Solutions, LLC* [Doc. 552] (the “Motion”). The Motion was filed by Tribolet Advisors LLC (the “Plan Administrator”), in its capacity as Plan Administrator under the Joint Chapter 11 Plan of Liquidation of White Star Petroleum Holdings, LLC and Its Debtor Affiliates, and more particularly as successor in interest to White Star Petroleum, LLC and White Star Petroleum II, LLC (collectively, “White Star”), as Plaintiff in the above-captioned adversary proceeding.

On October 31, 2019, White Star filed the *Complaint* [Doc. 1] initiating this adversary proceeding. On November 1, 2019, this Court issued a Summons for MidCon Solutions, LLC (“MidCon”). On November 19, 2019, White Star filed its *Certificate of Service of Summons in an Adversary Proceeding* [Doc. 187] reflecting the fact that, on November 4, 2019, White Star served MidCon with process. On March 26, 2020, this Court entered its *Order Extending Deadline to Answer Complaint* [Doc. 391] (the “Order”) which extended the time for Defendants to answer or otherwise respond to the *Complaint* up to and including July 31, 2020. Based on the *Order*, MidCon had until July 31, 2020 to answer or otherwise respond to the *Complaint*. MidCon did not timely answer and has not subsequently appeared seeking leave to answer out of time.

On September 8, 2020, the Plan Administrator filed its *Application for Entry of Certificate of Default* [Doc. 486]. On September 24, 2020, the Court Clerk filed the *Entry of Default* [Doc. 535]. On October 7, 2020, the Plan Administrator filed the *Motion*. On October 8, 2020, the Plan Administrator served the *Motion* on MidCon. *See Certificate of Service* [Doc. 585]. The deadline for responding to the *Motion* expired at 4:00 p.m. CT on October 22, 2020. MidCon did not respond to the *Motion*. Accordingly, under Local Rule 9013-1.E, the *Motion* has been deemed confessed and the relief sought therein may be granted *ex parte* and without further notice.

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The *Motion* sets forth material facts, including that under the *Joint Chapter 11 Plan of Liquidation of White Star Petroleum Holdings, LLC and Its Debtor Affiliates* [Doc. 1152-1] (the “Plan”), MidCon is entitled to a recovery of \$480. The *Motion* further sets forth that MidCon has asserted liens in the amount of \$15,120. The Plan Administrator has established itself as the prevailing party under 42 O.S. § 176 and the *Motion* requests that this Court award the Plan Administrator its reasonable attorney’s fees and costs under Section 176, with such fees and costs to be determined and awarded following the granting of this *Motion*.

Accordingly, it is hereby ORDERED that:

1. The *Motion* is GRANTED and the hearing on the *Motion*, previously set for 10:00 a.m. CT on October 29, 2020 is STRICKEN;
2. MidCon’s recovery under the Plan is limited to \$480;
3. The Plan Administrator is the prevailing party under 42 O.S. § 176;
4. Judgment shall be entered in favor of the Plan Administrator and against MidCon following a determination of the Plan Administrator’s reasonable attorney’s fees and costs, which shall be netted against MidCon’s recovery under the Plan.
5. Findings of fact are based upon representations of counsel.

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Approved as to Form:

TRIBOLET ADVISORS LLC, IN ITS
CAPACITY AS PLAN ADMINISTRATOR
UNDER THE JOINT PLAN OF LIQUIDATION
OF WHITE STAR PETROLEUM HOLDINGS, LLC
AND ITS DEBTOR AFFILIATES

By: /s/ Craig M. Regens
Craig M. Regens, OBA No. 22894
G. Blaine Schwabe III, OBA No. 8001

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Capacity as Plan Administrator under the
Joint Plan of Liquidation of White Star
Petroleum Holdings, LLC and Its Debtor Affiliates*